

HOUSE No. 1631

By Mr. Walsh of Boston, petition of Martin J. Walsh and others for legislation relative to the exposure of public safety officials to the AIDS virus or infectious hepatitis. Public Health.

The Commonwealth of Massachusetts

PETITION OF:

Martin J. Walsh
Robert K. Coughlin

Brian P. Wallace

In the Year Two Thousand and Five.

AN ACT RELATIVE TO THE EXPOSURE OF PUBLIC SAFETY OFFICIALS TO THE AIDS VIRUS AND INFECTIOUS HEPATITIS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 70F of Chapter 111 is hereby amended in
2 the title by striking out “HLTV-III” and inserting in place thereof:
3 “HTLV-III” and by adding the following: “HBV and HCV Tests”.
4 Paragraph one of Section 70F of Chapter 111 of the General
5 Laws, as appearing in the 1990 Official Edition, shall be amended
6 by inserting at the beginning of the first sentence, before the
7 words “No health care facility,”” the following:— (a) Except as
8 herein provided.

1 SECTION 2. Section 70F of Chapter 111 of the General Laws
2 shall be further amended by inserting after the fourth paragraph
3 the following:— (b) Provided, however, that a police officer or
4 other law enforcement official, fire fighter, emergency medical
5 technician or medical personnel, or other public safety official,
6 who, in the course of his official duties, is bitten or scratched by a
7 person, is stabbed or scratched by a hypodermic needle in the pos-
8 session of that person, or is otherwise exposed to the transfer of
9 blood, semen, or other bodily fluid on, upon, or through his skin

10 or membranes by that person, and where that person is the subject
11 of a criminal complaint or indictment, the exposed official may
12 petition the court having jurisdiction of the complaint or indict-
13 ment to be tested for the HTLV-III, HBV and HCV antibody or
14 antigen. The court shall promptly conduct a hearing upon any
15 such petition. If the court finds a fact that there was a transfer of
16 blood, semen, or other bodily fluids, the court shall order the
17 HTLV-III, HBV and HCV test of the subject. A copy of the test
18 result shall be sent by the testing facility to the court. The court
19 shall issue the test results to the subject of the complaint or indict-
20 ment, the petitioner, and, if the subject is incarcerated or detained,
21 the officer in charge and the chief medical officer of the facility in
22 which the subject is incarcerated or detained. The test results
23 thereafter are to be impounded. No health care facility shall be
24 liable for release of HTLV-III, HBV and HCV test results pursuant
25 to a court order under this section.

1 SECTION 3. This act shall take effect upon passage.